

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TOVA ZACHARY, individually and on behalf :
of all others similarly situated, :
Plaintiff, :
:

v. :

BG RETAIL, LLC, :
Defendant. :
-----X

ORDER

22 CV 10521 (VB)

Plaintiff commenced the instant action on December 13, 2022. (Doc. #1).

On February 1, 2023, plaintiff docketed a waiver of service of summons executed by counsel for defendant. (Doc. #3). The waiver indicated defendant would answer or file a Rule 12 motion within sixty days from December 27, 2022. Accordingly, defendant had until February 27, 2023, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendant has neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendant remains in default, plaintiff is ORDERED to seek a certificate of default by **March 21, 2023**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by **April 4, 2023**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: March 7, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge